

Newfields Planning Board Meeting
March 19, 2009

Attendance: Bill Meserve, John Hayden, Mike Price, Mark Bouzianis, Mike Woodworth, and Clay Mitchell Town Planner. Absent from the meeting was Jim Daley

Chairman Meserve called the meeting to order at 7:05pm.

Mary & James Vienneau 10-lot Subdivision 88 Old Lee Rd.

Attorney Battles was present and addressed the Board. He distributed the Mitchell Hill Homeowners Association Declaration, By-Laws and Covenants. He has been working on the documents for several weeks with Town Counsel Fran Lane. They have agreed on all of the language in them but there are a couple of issues which Attorney Lane felt needed to be discussed by the Board.

Bill Meserve noted that he just received the paperwork at 4:00pm and he was concerned that he hadn't had enough time to review them or speak with Attorney Lane.

Attorney Battles stated that Clay has been copied on all correspondence and documents. He added that at the last meeting the engineering was reviewed. The access easement is now shown on the revised plan. Civilworks has reviewed the plan and made no additional recommendations. The DES wetlands permit has been received.

Bill Meserve was concerned that the DES permit is being granted based on plans dated 1/14/2009 and the Planning Board is granting a conditional approval based on plans dated 3/3/2009. He also noted that the permit states the subdivision is 9 lots.

Attorney Battles noted that the primary concern of the DES is the wetlands crossings and encroachment on the buffers. He will contact DES and get a confirmatory letter from them stating they are aware that the permit is for a 10-lot subdivision dated March 3, 2009.

Permits pending are the site specific/alteration of terrain and state subdivision. The alteration of terrain is a review of the drainage, grading and water quality. When construction begins a notice of intent is filed with DES and they come out and do inspections. If the Conservation Commission has any concerns they should call DES.

The construction cost estimates are in and have been reviewed by Civilworks as of March 17, 2009. The amount of the expected construction costs will be \$795,296.

The two conditional use permits were granted at the February 19th meeting. The final version includes the water quality testing which was added to one of the conditional use permits.

The Board reviewed specific provisions outlined in Attorney Lane's letter dated March

19, 2009.

Conservation Deed:

1. Page 2. paragraph A. Use Limitations is fine.
2. Page 3. paragraph B. Reserved Rights/Recreation Area. Applicant agreed to include access to the recreation area by persons who are community members.
3. Page 4, paragraph C. is exclusively for Mr. Vienneau. It reserves his right to repair any damage to the woodlands or right to build or maintain foot paths. He will also have the right to selectively cut with a forestry plan. This portion notes cutting and removing of hardwood and the Board would like deciduous trees added.

Homeowners Association Declaration, By-Laws and Covenants were reviewed as outlined and no changes were recommended. Each time a lot is sold the owner is given a copy of these documents.

Development Agreement:

1. Page 2. The developer has a statutory right to complete all improvements (roadway, cisterns, gravel wetlands, underground utilities, drainage systems, etc) within 4 years of the date of approval. It has been added that if this is not accomplished the applicant may ask for an extension from the Planning Board. The bond will not be released until the road is up to standard so the Town will continue to be protected. The bond requirements will be worked out in the letter of credit.
2. Page 4, paragraph 11-This section references permitting limited signage. The Board informed Attorney Battles that entrance signage will not allowed. This section shall be deleted from the agreement.
3. Page 4, paragraph 12 includes the bond amount. Attorney Lane recommends authorizing the bond amount of \$795,296.

The changes made tonight will be forwarded to Attorney Lane for his review.

Mike Price questioned the width of the access easement. He recalled seeing somewhere the easement listed as 5 feet wide. It is supposed to be five feet wide on each side of lots 6 & 7 with a total width of 10 feet.

The metes and bounds are described in the conservation easement and Jones and Beach will do a recitation of them to make sure they match the plan. Dan Balfour explained that granite bounds or iron pins will be placed at each corner of the easement area. Granite markers will be placed at the entrance of the easement on the roadway, at mid point and on the back corners. The granite posts are usually 6 feet tall and set 2 feet deep. A small sign identifying the easement will be allowed but not required.

Plans:

Attorney Battles said that Attorney Lane wants to make sure the area of gravel wetland buffers are within the drainage easements. Dan Balfour confirmed that the drainage structures, drain pipes and rip rap are located within the easement lines which are now shown on the plan.

When the town accepts the easements they accept the responsibility to maintain them. Prior to acceptance the developer/homeowners association will maintain them but the town will be allowed to access them.

Bill commented that the Conservation Commission was concerned about the maintenance of the gravel wetlands. Clay was concerned with allowing the Association to maintain a complex environmental detention facility. The town should maintain the gravel wetlands according to a defined maintenance plan and schedule. It should be one of the conditions of approval that Jones & Beach submit a maintenance plan. Battles agreed to provide a maintenance document and suggested adding it to the development agreement.

Attorney Battles reviewed the following conditions of approval:

1. Receipt of all documents in final form, acceptable to Town Counsel and Planning Board, including but not limited to the following:

Mitchell Hill Homeowner's Association Declaration, By-Laws and Covenants;
Conservation Deed for Open Space A, B and Recreational Area;
Easement Deed from James and Mary Vienneau to the Town of Newfields;
Road Deed from James and Mary Vienneau to the Town of Newfields;
2. Receipt of all State approvals including the following:

DES Wetlands Permit;
NH Site Specific Permit;
NH State Subdivision Permit; and
any and all other State, Federal or Local Permits necessary.
3. The applicant agrees to abide by and be in full compliance with all of the provisions set forth in the Development Agreement for Mitchell Hill Subdivision in Newfields, NH.

Mike Price found the error describing the access easement incorrectly as 5 feet wide. It is at the top of page 4 of the easement deed. Attorney Battles made a note of the error and will fix it.

Clay suggested moving forward with a conditional approval despite the fact that the documents from Attorney Lane were received late in the day. He has reviewed the documents and they reflect the Board's understanding of the discussions and agreements that have taken place.

The Board added the following outstanding items to the conditions of approval:

Payment of the sidewalk money;

Payment of all outstanding fees to the Town of Newfields for engineering and attorney fees;

Maintenance schedule for easements added to development agreement;

Well testing of Map 208 Lot 21 & 24;

No construction will begin until the bond is in place.

A motion was made by Mike Todd and seconded by Mike Price approve the subdivision subject to the above conditions. All were in favor and the motion carried. A compliance hearing will be scheduled for the April 16th meeting.

A motion was made by John Hayden and seconded by Mike Woodworth to continue the hearing until next month. All were in favor and the motion carried.

Preliminary Hearing -66 Route 108, Map 201 Lot 7

Mike Todd recused himself from the Board and presented a preliminary plan on behalf of owner Lionel Labonte. The proposal is for two retail buildings. The big issue is access which would be directly across from Winkler Way. Lionel would like to know if the Board would prefer to see a town road or an access road. In terms of long range planning, he would like to look into accessing his 200 acre parcel through this lot. Mike Todd said a concern with the development of the property is the grade of the land. It drops off in the back of the lot. It may be difficult to nicely fit two buildings on the lot.

Mark commented that he would like to see access to the back lots with a public roadway. As always, traffic on Route 108 will be an issue.

The Board discussed the outcome of Nancy Kingston's petitioned warrant article for a special exception to put her real estate office above the general store. The article passed and they expect Nancy will be coming before the Board soon for a site plan.

Clay noted that the passage of the warrant article should be sent to Town Counsel for an opinion prior to any approvals. The Zoning Board of Adjustment typically grants special exceptions and we will need to know what this vote really means.

Impact Fee Methodology

Clay explained that the impact fee shall be \$3,275.00 per single family dwelling. Impact fees may be assessed on any new construction in a subdivision which was given approval four years ago or more. Any new building permits for new construction in Evergreen Estates, which was approved in 2005, shall be assessed the impact fee. The fees will be placed in a capital reserve account and used for school facilities. The Board signed the impact fee methodology document to be filed with the Town Clerk.

A motion was made by John Hayden and seconded by Mike Todd to accept the February 2009 minutes as amended. All were in favor and the motion carried.

A motion was made by Mike Woodworth and seconded by John Hayden to accept the January 2009 minutes as amended. All were in favor and the motion carried.

The Board discussed the re-appointment of Mike Price and Mike Todd. Their terms are up this year. They both need to sign and submit a letter of interest to the Selectmen before being sworn in.

The Chairman position was discussed. A motion was made and seconded to appoint John Hayden as Chairman and Mike Todd as Vice-Chair. All were in favor and the motion carried.

A motion was made and seconded to adjourn at 10:00pm. All were in favor. The next regularly scheduled meeting will be Thursday April 16, 2009 at 7pm.

Respectfully submitted,

Sue McKinnon